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Attorneys for Defendant

SAFEWAY INC.

**Electronically Filed
FIRST CIRCUIT
1CCV-21-0001145
28-MAR-2022
02:52 PM
Dkt. 11 ANCMP**

IN THE CIRCUIT COURT OF THE FIRST CIRCUIT

STATE OF HAWAII

CARYN TAKAHASHI,

Plaintiff,

vs.

SAFEWAY, INC.; JOHN DOES 1-10;
JANE DOES 1-10; DOE
PARTNERSHIPS 1-10; DOE
CORPORATIONS 1-10; and DOE
GOVERNMENT ENTITIES 1-10,

Defendants.

CIVIL NO. 1CCV-21-0001145
(Non-Vehicle Tort)

**DEFENDANT SAFEWAY INC.'S
ANSWER TO COMPLAINT FILED
SEPTEMBER 20, 2021; DEMAND
FOR JURY TRIAL; CERTIFICATE
OF SERVICE**

**DEFENDANT SAFEWAY INC.'S
ANSWER TO COMPLAINT FILED SEPTEMBER 20, 2021**

COMES NOW Defendant SAFEWAY INC. (incorrectly identified as
“SAFEWAY, INC.”)(“SAFEWAY”), by and through its attorneys COX, WOOTTON,
LERNER, GRIFFIN & HANSEN LLP, and answers the Complaint of Plaintiff CARYN

EXHIBIT B

TAKAHASHI (“PLAINTIFF”) filed on September 20, 2021, as follows:

FIRST DEFENSE:

1. The Complaint fails to state a cause of action upon which relief may be granted.

SECOND DEFENSE:

2. The accident and/or injuries alleged were proximately caused by the negligent and/or intentional acts of PLAINTIFF.

THIRD DEFENSE:

3. The accident and injuries alleged were proximately caused by the negligent and/or intentional acts of others and SAFEWAY was in no way at fault.

FOURTH DEFENSE:

4. SAFEWAY will rely upon the defense that PLAINTIFF has failed to mitigate her damages.

FIFTH DEFENSE:

5. This Court lacks jurisdiction over the subject matter of PLAINTIFF’s Complaint.

SIXTH DEFENSE:

6. The venue of this action is improper in this Court.

SEVENTH DEFENSE:

7. PLAINTIFF is barred from maintaining this action by the applicable statute of limitations.

EIGHTH DEFENSE:

8. PLAINTIFF has failed to join indispensable parties as required

under the applicable Hawaii Rules of Civil Procedure.

NINTH DEFENSE:

9. SAFEWAY is without information sufficient to form a belief as to the truth of the allegations in Paragraph 1 of the Complaint, therefore they are denied.

10. In response to Paragraph 2 of the Complaint, SAFEWAY admits that on September 22, 2019, it was, and is presently, a Delaware corporation with its principal place of business in California, and was and is doing business in the City and County of Honolulu, State of Hawaii. SAFEWAY denies all remaining allegations in Paragraph 2 of the Complaint.

11. SAFEWAY is without information sufficient to form a belief as to the truth of the allegations in Paragraphs 3 and 4 of the Complaint, therefore they are denied.

12. In response to Paragraph 5 of the Complaint, SAFEWAY admits that on September 22, 2019, PLAINTIFF was at some time on the premises of the Safeway Store located at 91-1119 Keaunui Drive, Ewa Beach, Hawaii. SAFEWAY denies all remaining allegations in Paragraph 5 of the Complaint.

13. SAFEWAY admits to Paragraph 6 of the Complaint.

14. Paragraphs 7, 8, 9, 10, 11, and 12 of the Complaint purport to make statements and/or conclusions of law. The law speaks for itself and PLAINTIFF is left to her proof. SAFEWAY denies all remaining allegations in Paragraphs 7, 8, 9, 10, 11, and 12 of the Complaint that are not statements or conclusions of law.

15. Any allegation set forth in the Complaint that is not specifically admitted or denied herein is denied.

16. SAFEWAY gives notice that it intends to rely upon any other matter constituting an avoidance or an affirmative defense as provided under HRCP 8(c).

17. SAFEWAY reserves the right to amend this Answer, to file Third-Party Complaints, Counterclaims, and/or Cross-Claims as may later be warranted or required.

WHEREFORE, Defendant SAFEWAY INC. prays as follows:

A. That the Complaint be dismissed and that Defendant SAFEWAY INC. be awarded its costs, attorneys' fees and such other relief as the Court deems just.

B. That if Defendant SAFEWAY INC. and/or Plaintiff CARYN TAKAHASHI are found to be negligent, that the relative degree of fault of each be determined and judgment be rendered accordingly.

C. That this court grants Defendant SAFEWAY INC. such other and further relief it deems fit, proper and just.

DATED: Honolulu, Hawaii, March 28, 2022.

/s/ Normand R. Lezy
NORMAND R. LEZY
MICHAEL J. NAKANO
SHAWN L. M. BENTON
Attorneys for Defendant
SAFEWAY INC.

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Dkt. 12 DJT

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Plaintiff,

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SAFEWAY, INC.; JOHN DOES 1-10;
JANE DOES 1-10; DOE
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GOVERNMENT ENTITIES 1-10,

Defendants.

CIVIL NO. 1CCV-21-0001145
(Non-Vehicle Tort)

DEMAND FOR JURY TRIAL

DEMAND FOR JURY TRIAL

Defendant SAFEWAY INC., by and through its attorneys, COX,
WOOTTON, LERNER, GRIFFIN & HANSEN LLP, hereby demands a trial by jury on
all issues so triable herein.

DATED: Honolulu, Hawaii, March 28, 2022.

/s/ Normand R. Lezy

NORMAND R. LEZY
MICHAEL J. NAKANO
SHAWN L. M. BENTON
Attorneys for Defendant
SAFEWAY INC.

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Dkt. 13 CS

IN THE CIRCUIT COURT OF THE FIRST CIRCUIT

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Plaintiff,

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SAFEWAY, INC.; JOHN DOES 1-10;
JANE DOES 1-10; DOE
PARTNERSHIPS 1-10; DOE
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GOVERNMENT ENTITIES 1-10,

Defendants.

CIVIL NO. 1CCV-21-0001145
(Non-Vehicle Tort)

CERTIFICATE OF SERVICE

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that, on the date noted below, a true and correct copy of the foregoing was served electronically through JEFS on:

NAME	EMAIL ADDRESS
Glenn T. Honda, Esq. George C. Alejandro, Esq.	attorney@recoverylawcenterhawaii.com cesar@recoverylawcenterhawaii.com

DATED: Honolulu, Hawaii, March 28, 2022.

/s/ Normand R. Lezy

NORMAND R. LEZY

MICHAEL J. NAKANO

SHAWN L. M. BENTON

Attorneys for Defendant

SAFEWAY INC.